

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KEITH ROYSTER,

Plaintiff,

-against-

ROCHDALE VILLAGE CO-OP
SPECIAL HOUSING OFFICERS
WILLIAMS, SIMMS, JOHN DOE #1,
JOHN DOE #2, and JOHN DOE #3,

Defendants.

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AMON, United States District Judge.

MEMORANDUM AND ORDER

08-CV-1367 (CBA)

Plaintiff Keith Royster, who is currently incarcerated at Rikers Island, brings this *pro se* action pursuant to 42 U.S.C. § 1983. Plaintiff's application to proceed *in forma pauperis* is granted, solely for the purpose of this order, but for the reasons set forth below, the Complaint is dismissed.

BACKGROUND

Plaintiff brings suit against several special housing officers employed at the Rochdale Village cooperative in Jamaica, Queens. He alleges that on February 3, 2008, the officers physically assaulted him, causing permanent physical injuries and psychological trauma. He alleges that the assault was perpetrated in retaliation for plaintiff's report that one of the defendants, Officer Williams, had used controlled substances, and another defendant, Officer Simms, had left his post and been drinking while on duty. Plaintiff seeks monetary compensation for his injuries in the amount of \$1 million.

DISCUSSION

A. Standard of Review

Title 28, Section 1915(e)(2)(B) of the United States Code requires a district court to dismiss a case if the court determines that the action “(i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2)(B). However, a *pro se* plaintiff’s submissions are held “to less stringent standards than formal pleadings drafted by lawyers.” Hughes v. Rowe, 449 U.S. 5, 9 (1980) (quoting Haines v. Kerner, 404 U.S. 519, 520 (1972)). Indeed, a court must “read the pleadings of a *pro se* plaintiff liberally and interpret them ‘to raise the strongest arguments that they suggest.’” McPherson v. Coombe, 174 F.3d 276, 280 (2d Cir. 1999) (quoting Burgos v. Hopkins, 14 F.3d 787, 790 (2d Cir. 1994)). If a liberal reading of the complaint “gives any indication that a valid claim might be stated,” this Court must grant leave to amend the complaint. See Cuoco v. Moritsugu, 222 F.3d 99, 112 (2d Cir. 2000); Gomez v. USAA Fed. Sav. Bank, 171 F.3d 794, 795 (2d Cir. 1999).

B. Civil Rights Claims

Plaintiff alleges that defendant’s actions violated his civil rights. A claim for violations of constitutional rights is cognizable under 42 U.S.C. § 1983 (“§ 1983”). In order to maintain a § 1983 action, a plaintiff must allege two essential elements. First, “the conduct complained of must have been committed by a person acting under color of state law.” Pitchell v. Callan, 13 F.3d 545, 547 (2d Cir. 1994). Second, “the conduct complained of must have deprived a person of rights, privileges or immunities secured by the Constitution or laws of the United States.” Id. “Section 1983 itself creates no substantive rights; it provides only a procedure for redress for the

CONCLUSION

Plaintiff's complaint is dismissed for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of any appeal. Coppedge v. United States, 369 U.S. 438, 444-45 (1962). The Clerk of the Court is directed to enter judgment and to close this case.

SO ORDERED.

CAROL BAGLEY AMON
United States District Judge

Dated: April 17, 2008
Brooklyn, New York